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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.502 of 2025
and
W.M.P.(MD)Nos.357 and 358 of 2025

J.C.P.Grand Inn,

Represented by its Proprietor,
J.Prakash Pandian,
S/o K.D.Jeyaraman,
Near Fathima Curusady,
Kurinji Aanadavar Kovil Street,
Kodaikanal, Dindigul,

Now residing at No.381,

27th Street, 6th Sector,

K.K.Nagar, Chennai. ... Petitioner

Vs.

1.The Block Development Officer,
Kodaikanal Panchayat Union,
Kodaikanal, Dindigul.

2.The Assistant Engineer,
TANGEDCO,
Kodaikanal Town (East),
Dindigul. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the

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records from the office of the 1st respondent with respect to the Impugned Order Na.Ka.No.1133/2021/Aa3 dated 05.09.2023 and quash the same and consequently direct the 1st respondent to consider the representation of the petitioner dated 08.03.2019 as per the order of this Court in WP(MD).Nos. 15934 and 16011 of 2019 dated 04.01.2022.

For Petitioner : Mr.K.Udayakumar

For R-1 : Mr.D.Sachikumar,
Additional Government Pleader

For R-2 : Mr.S.Deenadhayalan,
Standing counsel

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ORDER

By consent of both the parties, this writ petition is taken up for final hearing at the admission stage itself.

2.This writ petition is filed to call for the records from the office of the 1st respondent with respect to the Impugned Order Na.Ka.No. 1133/2021/Aa3 dated 05.09.2023 and quash the same and consequently direct the 1st respondent to consider the representation of the petitioner dated 08.03.2019 as per the order of this Court in WP(MD).Nos. 15934 and 16011 of 2019 dated 04.01.2022.

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3.Heard the learned counsels on either sides and carefully perused the materials available on record.

4.Earlier, the petitioner filed two writ petitions in W.P.(MD)Nos.15934 of 2019 and 16011 of 2019, challenging the lock and seal order passed by the 1st respondent municipality. The Hon'ble Division Bench of this Court by an order dated 04.01.2022 directed the 1st respondent to consider the petitioner's representation dated 08.03.2019 and pass appropriate orders in the matter of removing the lock and seal of the petitioner's premises after affording an opportunity of personal hearing to the petitioner. However, the claim of the petitioner is that without giving him an opportunity of hearing as directed by the Hon'ble Division Bench of this Court, the impugned order dated 05.09.2023 has been passed by the 1st respondent rejecting the petitioner's representation. Hence, this writ petition is filed.

5.Considering the fact that the petitioner was not given with an opportunity of hearing and though the learned counsel for the 1st respondent Mr.Sasikumar claimed that the notice was issued on him, which is denied by the learned counsel for the petitioner, the impugned order is hereby set aside and the matter is remanded back to the 1st respondent for

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reconsideration. It is made clear that the final orders should be passed only after giving the opportunity of a personal hearing to the petitioner. The said exercise should be completed within a period of four (4) weeks from the date of receipt of a copy of this order. The petitioner is directed to produce all the relevant documents with respect to the said property.

6.With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

08.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

1.The Block Development Officer,
Kodaikanal Panchayat Union,
Kodaikanal, Dindigul.

2.The Assistant Engineer,
TANGEDCO,
Kodaikanal Town (East),
Dindigul.

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L.VICTORIA GOWRI, J.

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